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FIRST CIRCUIT
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Attorneys for Plaintiff
ESTATE ADMINISTRATIVE SERVICES, LLC

STATE OF HAWAII

ESTATE ADMINISTRATIVE SERVICES,) CIVIL NO.
LLC, as Personal Representative of the) (Other Civil Action)
Estate of LINDA MAY JOHNSON,)
)
Plaintiff,) COMPLAINT FOR DAMAGES;
) SUMMONS
)
vs.)
)
CITY AND COUNTY OF HONOLULU)
and DOE DEFENDANTS 1-25,)
)
Defendants.)
)

Plaintiff ESTATE ADMINISTRATIVE SERVICES, LLC, by and through its

EXHIBIT "A"

INTRODUCTION

1. This action arises from the fatal beating of LINDA MAY JOHNSON that occurred on the premises of the Kapolei Police Station on or about February 15, 2022, when she was released from police custody in close proximity to a dangerous and obviously mentally ill person who proceeded to assault and beat her viciously while police failed to intervene to protect her.

PARTIES

2. Plaintiff ESTATE ADMINISTRATIVE SERVICES, LLC (“Plaintiff”), is a limited liability corporation providing probate and estate management services with principal offices located in Honolulu, Hawaii. In an Order dated August 10, 2022, Plaintiff was appointed by a judge of the First Circuit Court, State of Hawaii, to serve as the Personal Representative of the Estate of LINDA MAY JOHNSON who died on February 15, 2022.

3. Defendant CITY AND COUNTY OF HONOLULU (hereinafter “City”) is a municipal corporation duly organized and existing under the laws of the State of Hawai‘i as a political subdivision thereof and Defendant City is sued herein for the actions and/or omissions of one or more of its officers, officials, employees, and/or departments, including the Honolulu Police Department (“HPD”).

4. DOE DEFENDANTS 1-25 (hereinafter “Doe Defendants”) are officers, employees, agents, and/or representatives of the Defendant CITY AND COUNTY OF HONOLULU and/or the Honolulu Police Department who contributed to or may be responsible for the injuries and damages alleged herein. Doe Defendants are sued herein under fictitious names for the reason that their true names and identities are presently unknown to Plaintiff and her attorneys despite due diligence. The true names and capacities of the Doe Defendants will be substituted as they become known. The Doe Defendants are sued herein both in their individual and official capacities.

JURISDICTION AND VENUE

5. Jurisdiction and venue are proper in this Court pursuant to HRS Section 603-21.5(a)(3) and HRS Section 603-36(5) since all of the acts, omissions, and occurrences alleged herein took place within the City and County of Honolulu, State of Hawaii.

FACTUAL ALLEGATIONS

6. On or about February 15, 2022, Honolulu Police Officers arrested LINDA MAY JOHNSON in Waikiki for the alleged offense of sleeping in a closed park and then transported her all the way to the Kapolei Police Station where she was booked and released without any means of transportation, resources, or assistance to return to Honolulu and/or to find shelter.

7. Shortly after LINDA MAY JOHNSON was released from the Kapolei Police Station, the police also released another arrestee named Michael Armstrong who was pending felony charges and had a lengthy history of mental illness and admissions for treatment at mental health facilities.

8. Immediately upon his release from police custody Michael Armstrong brutally attacked, beat, and caused the death of LINDA MAY JOHNSON upon or near the police station premises.

9. Plaintiff is informed and believes, and thereupon alleges, that no police officers came to the assistance or intervened during the beating of LINDA MAY JOHNSON.

10. Plaintiff is informed and believes, and thereupon alleges, that the police officers who released Michael Armstrong knew or should have known of his extensive mental health history and that he posed an immediate risk of harm to other persons, including LINDA MAY JOHNSON.

11. As a direct and proximate result of the foregoing LINDA MAY JOHNSON suffered severe and painful injuries that resulted in her death.

12. As a direct and proximate result of the foregoing LINDA MAY JOHNSON and the members of her extended family have suffered great mental anguish, suffering, pain, and anger.

13. As a direct and proximate result of the foregoing LINDA MAY JOHNSON incurred expenses for her medical treatment and funeral in amounts to be proven at trial.

COUNT I
(Negligence)

14. Plaintiff hereby incorporates the allegations in paragraphs 1 through 13, above.

15. The conduct of Defendants as alleged herein was at a minimum negligent or grossly negligent, and such negligence was a substantial factor in wrongfully causing the death of LINDA MAY JOHNSON.

16. At all times pertinent hereto, the Doe Defendants were acting herein within the course and scope of their employment with the Honolulu Police Department in behalf of Defendant City and County of Honolulu.

COUNT II
(Violations of Civil Rights)

17. Plaintiff hereby incorporates the allegations in paragraphs 1 through 13, above.

18. The conduct of the Defendants as alleged herein violated rights guaranteed to LINDA MAY JOHNSON by the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution, Article I of the Constitution of the State of Hawaii, and 42 U.S.C Section 1983, et seq, inter alia.

19. The Defendants acted herein in deliberate disregard for the rights, interests, and well-being of LINDA MAY JOHNSON.

WHEREFORE Plaintiff prays for relief as follows:

- a. That judgment be entered in Plaintiff's favor on each count of the Complaint;
- b. That Plaintiff be awarded general, special, and punitive damages against Defendants in amounts to be proven at trial;
- c. For reimbursement of Plaintiff's costs and expenses herein, including reasonable provision for attorneys' fees as permitted by law;
- d. For such further relief the Court deems just and appropriate.

DATED: Honolulu, Hawai'i, February 27, 2023.

/s/ Eric A. Seitz



ERIC A. SEITZ

DELLA A. BELATTI

JONATHAN M.F. LOO

KEVIN A. YOLKEN

Attorneys for Plaintiff

STATE OF HAWAII CIRCUIT COURT OF THE FIRST CIRCUIT		SUMMONS TO ANSWER CIVIL COMPLAINT /	
CASE NUMBER			
PLAINTIFF'S NAME & ADDRESS, TEL. NO. ESTATE ADMINISTRATIVE SERVICES, LLC c/o Eric A. Seitz, AAL, ALC 820 Mililani Street, Suite 502 Honolulu, Hawaii 96813 Tel: (808) 533-7434			
PLAINTIFF ESTATE ADMINISTRATIVE SERVICES, LLC, as Personal Representative of the Estate of LINDA MAY JOHNSON		VS.	DEFENDANT(S) CITY AND COUNTY OF HONOLULU and DOE DEFENDANTS 1-25
TO THE ABOVE-NAMED DEFENDANT(S) You are hereby summoned and required to filed with the court and serve upon: ESTATE ADMINISTRATIVE SERVICES, LLC c/o Eric A. Seitz, AAL, ALC 820 Mililani Street, Suite 502 Honolulu, Hawaii 96813 plaintiff, as indicated above/whose address is stated above, an Answer to the Complaint / , which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS. A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.			
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us		Effective Date of 1-DEC-2021 Signed by: /s/ Patsy Nakamoto Clerk, 1st Circuit, State of Hawai'i 	
 If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator of the XX Circuit as soon as possible to allow the court time to provide an accommodation. Phone No. 808-539-4400, TTY 808-539-4853, FAX 808-539-4402 or Send an e-mail to: adarequest@courts.hawaii.gov . The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.			